

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 15054 of 1993

Between:

Smt.C.Vijayalakshmi W/o. C.Ramachandra Rao,

Age:38 years, Occu:Secondary Grade Teacher,

Hansan's Residential School, Grahmanpalli,

Kudair Mandal, Anantapur District.

... PETITIONER

AND

1. Managing Director of A.P.Vikalangula

Cooperative Corporation, A.C.Guards,

Venkataramana Apartments, Hyderabad.

2. The Government of Andhra Pradesh,

Rep.by its Secretary, Social Welfare Dept.,

Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order particularly one in the nature of writ of mandamus by calling for the relevant records from the office of the first respondent and for granting the petitioner's pay scale of Rs.1010-1800 with effect from 1.07.1988 and also the pay scale of Rs.1280-2440 with effect from 30.06.1989 i.e. the date of declaration of the petitioner's probation together with all the financial benefits and for payment of arrears of pay and other allowances consequent to refixation of the petitioner's pay with retrospective effect.

Counsel for the Petitioner : SMT.A.CHAYA DEVI

Counsel for the Respondent No.1: MR.K.RAMANUJA CHARY

Counsel for Respondent No.2: GP FOR SOCIAL WELFARE

The Court made the following :

ORAL ORDER:

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This writ petition is filed seeking a writ of mandamus directing the respondents to pay the petitioner the scale of Rs.1010-1800, with effect from 1.7.1988, and also the scale of Rs.1280-2440 with effect from 30.06.1989, and further to declare that she is entitled for all other consequential benefits.

According to the petitioner, she was appointed as a Secondary Grade Teacher in the respondents organization, after due selection by a selection committee constituted in this regard, on being sponsored by the employment exchange. Initially, the petitioner was put on a consolidated salary of Rs.750/-. However, from 30.06.1989 onwards, she was put in the regular scale of Rs.910-1625. The contention of the petitioner is that the pay scale of Rs.910-1625 is meant for Junior Assistants, but not for a Secondary Grade Teacher, and as per G.O.Ms.No.288, Finance & Planning (Fin-Wing-PRC.I) Department, dated 17.11.1986, a Secondary Grade Teacher (Ordinary) is entitled for the pay scale of Rs.1010-1800, but the same was denied to the petitioner.

Respondents have filed a counter denying the allegations made by the petitioner. It is asserted in the counter that the petitioner is not entitled for the pay scale of Rs.1010-1800, and she cannot compare herself with that of one K.Shiva Reddy, Head Master, Hansan's Residential School. Except the above assertion, no other rationale and logical explanation was given by the respondents in support of their contention that the petitioner is not entitled for the scale as per G.O.Ms.No.288, dated 17.11.1986.

Now it is to be seen that whether the petitioner is entitled for the pay scale of Rs.1010-1800, as a Secondary Grade Teacher, or not. The fact that the petitioner is working as a Secondary Grade Teacher and discharging the duties attached to that post is not denied. As seen from the G.O.Ms.NO.288, dated 17.11.1986, item No.85 of the Annexure shows that a Secondary Grade Teacher (Ordinary Category), who

was earlier paid the scale of Rs.530-850, is entitled for the pay scale Rs.1010-1800. So far as the G.O.Ms.No.288 is concerned, there is no denial as to its applicability to the Secondary Grade Teachers.

From the above, it is clear that though the petitioner, as a Secondary Grade Teacher, was entitled for the time scale of Rs.1010-1800, she was wrongly put in the pay scale of Rs.910-1625, with effect from 1.07.1988, which is arbitrary and illegal. I am of the opinion that the petitioner is entitled for the scale of Rs.1010-1800 with effect from 1.07.1988, and also the consequential scales of pay that were increased from time to time.

In view of the above, the respondents are directed to put the petitioner in the pay scales of Rs.1010-1800, with effect from 1.07.1988, Rs.1280-2440, with effect from 30.06.1989, and also in the subsequent scales of pay that were increased from time to time by the Pay Revision Commissions, and pay all the consequential benefits thereon. The whole exercise shall be completed within a period of three months from the date of receipt of a copy of this order, and the same shall be communicated to the petitioner within one week thereafter.

Writ petition is accordingly allowed. No costs.

1st October, 2004.

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Friday, the first day of October, two thousand and four.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Managing Director,
A.P.Vikalangula Cooperative Corporation,
11-4-634, A.C.Guards, Venkata Ramana Apartments,
Hyderabad.
2. The Secretary,
Social Welfare Department,
Government of Andhra Pradesh,
Secretariat, Hyderabad.
3. Two C.Cs to the G.P. for Social Welfare,
High Court Buildings, Hyderabad. (OUT)
- 4) Two C.Ds.